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Attorneys for Plaintiffs
 FRANCISCO VALDEZ, RICARDO VASQUEZ,
 DANIEL MARTINEZ, JAMIL STUBBS, individually
 and on behalf of those persons similarly situated

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

* * *

FRANCISCO VALDEZ, et al.
 Plaintiffs,
 vs.
CITY OF SAN JOSE, et al.,
 Defendants.

) Case No. C09-00176 RMW
)
) **Related Actions [Civ.L.R. 3-12]**
) *Cicala, et al. v. City of San Jose, et al.*
) Case No.: C08-04032 JF
) *Heiman v. Officer Johnson, et al.*
) Case No.: C09-02617 EJD
)
) **AMENDED STIPULATION AND**
) **PROPOSED ORDER GRANTING**
) **BRIEFING SCHEDULE FOR**
) **PLAINTIFFS' MOTION FOR CLASS**
) **CERTIFICATION.**
) *[N.D. Civil Local Rule 6-1].*
)
) Date: August 26, 2011
) Time: 9:00 a.m.
) Ctrm: 3, 5th Floor
) Judge: Hon. Jeremy Fogel

1 IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF
2 RECORD:

3 WHEREAS, by Order dated July 8, 2011 the Court granted the parties' Amended
4 Stipulation and Proposed Order Granting Briefing Schedule for Plaintiffs' Motion for Class
5 Certification. [ECF Docket No. 75].

6 WHEREAS, the Parties have been diligent in coordinating all matters necessary for the
7 Motion for Class Certification, responsive pleadings and relevant documentation.

8 WHEREAS, Plaintiffs have performed substantive review and cataloging of police
9 reports and records turned over in response to discovery. These reports which are to be used
10 in conjunction with Plaintiff's Motion for Class Certification contain some defective and/or
11 inapplicable reports requiring replacement and/or supplementation in order to effectively
12 comply with the Court's prior Order. [ECF Docket No. 62].

13 WHEREAS, defendants are currently in settlement discussions for the consolidated
14 cases of *Cicala* and *Heiman* which Plaintiffs believe requires clarification from the Court prior
15 to proceeding with the Motion for Class Certification.

16 WHEREAS, plaintiffs are prepared to file an ex parte seeking clarification from the
17 Court on the issue of the potential *Cicala* and *Heiman* settlement.

18 WHEREAS, plaintiffs are currently set to discuss class issues and other matters with
19 defendants in August 2011.

20 WHEREAS, the parties agree that allowing further time for filing and responding to
21 Plaintiffs' Motion for Class Certification will preserve the parties' and Court's resources and
22 further benefit the issues subject of the Motion for Class Certification.

23 WHEREAS, the parties have been informed that this case will be reassigned to another
24 District Judge within the Northern District of California San Jose Division.

25 WHEREAS, the parties anticipated any potential hearing date being vacated as a result
26 of the reassignment order.

1 WHEREAS, since the filing of the Order described above [ECF Docket No. 75] the Ninth
2 Circuit Court of Appeals has directed plaintiff's counsel to file pleadings on August 5, 2011 in
3 an unrelated case, making filing and hearing of the class certification motion impossible.

4 WHEREAS, the parties agree to stay the filing of plaintiffs' Motion for Class Certification
5 until the *Valdez* plaintiffs have had the opportunity to discuss outstanding issues with
6 defendants, until reassignment has been completed and until all police reports and records
7 comprising statistical evidence has been evaluated and completed.

8 NOW THEREFORE, the parties hereby agree and stipulate that this matter and all filing
9 deadlines associated with it, as ordered through prior Stipulations, are hereby extended and
10 stayed, pending resolution of the matters described more fully herein.

11 KALLIS & ASSOCIATES, P.C.

12
13 Dated: June 25, 2011

_____/S/_____
14 M. JEFFERY KALLIS, current co-
15 counsel for plaintiffs

16 BUSTAMANTE O'HARA &
17 GAGLIASSO, P.C.

18
19 Dated: June 25, 2011

_____/S/_____
20 ANDREW V. STEARNS
21 STEVEN M. BERKI, current co-counsel
22 for plaintiffs

23 OFFICE OF THE CITY ATTORNEY OF
24 SAN JOSE

25 Dated: June 25, 2011

_____/S/_____
26 CLIFF GREENBERG, counsel for
27 defendants

GENERAL ORDER 45(X)(B) STATEMENT

Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in the filing of this document has been obtained from counsel for Defendant CITY OF SAN JOSE and individual defendants, and that I have retained in my possession all signatures of counsel subject to this stipulation.

By _____/S/_____
Andrew V. Stearns

~~[PROPOSED]~~ ORDER

The Court, having considered the parties' Stipulation, the documents and records on file with the court, and finding good cause therefore, hereby orders:

The briefing schedule for plaintiffs' Motion for Class Certification and all responsive pleadings is extended and stayed pending resolution of the matters described hereinabove. The Case Management Conference set for August 26, 2011 is VACATED.

IT IS SO ORDERED.

Dated: 8/24/2011

By: 
Hon. Jeremy Fogel
United States District Court Judge